

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
PETER MARK CHAMBERLIN,)	
Petitioner,)	
)	
v.)	Civil No. 23-40036-DHH
)	
NELSON B. ALVES,)	
Respondent.)	
_____)	

ORDER

June 26, 2023

Hennessy, M.J.

Petitioner Peter Mark Chamberlin, an inmate in custody at MCI Norfolk, filed a Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody. (Docket No.

1). With the petition, Chamberlin filed an Application to Proceed in District Court Without Prepaying Fees or Costs and a Motion to Appoint Counsel signed by Chamberlin and Dana Goldblatt, his CPCS attorney. (Docket Nos. 2, 3). This action was randomly assigned to the undersigned Magistrate Judge pursuant to the District Court's Program for Random Assignment of Civil Cases to Magistrate Judges (Docket No. 5).

Accordingly,

1. The Application to Proceed in District Court without Prepaying Fees or Costs (Docket No. 2) is allowed in part and denied in part. The Court finds that Chamberlin is financially eligible for appointment of counsel. However, because the prison account statement accompanying the Application reveals sufficient funds to pay the modest \$5.00 filing fee, Chamberlin must pay the \$5.00 filing fee within 28 days of the entry of this Order or the action

will be subject to dismissal without prejudice.

2. The Motion to Appoint Counsel (Docket No. 3) is GRANTED. Under the Criminal Justice Act (“CJA”), 18 U.S.C. § 3006A, the Court may appoint counsel for a “financially eligible” habeas petitioner if “the interests of justice so require.” 18 U.S.C. § 3006A(a)(2). The Court finds that the interests of justice require the appointment of CJA counsel. The Clerk shall arrange for the CJA appointment of Attorney Dana Goldblatt, a non-CJA attorney.

3. Pursuant to Rule 4 of the Rules Governing Section 2254 cases, the Clerk of this Court is hereby ordered to serve a copy of the Petition for a Writ of Habeas Corpus by mailing copies of the same to the Respondent AND the Attorney General for the Commonwealth of Massachusetts, Attention: Chief of the Appellate Division, Office of the Attorney General, One Ashburton Place, 18th Floor, Boston, MA 02108.

4. Within 21 days of the date of this Order, Respondent shall file an answer (or other responsive pleading) to the Petition for Writ of Habeas Corpus. The answer (or other responsive pleading) must also include a statement notifying this Court of the existence of any victim or victims as defined by 18 USC §3771.

5. The Clerk shall provide the Petitioner, Respondent and the Attorney General for the Commonwealth of Massachusetts with the form for Consent/Refusal of Magistrate Judge Jurisdiction and the instructions for that form.

/s/ David H. Hennessy
David H. Hennessy
United States Magistrate Judge